UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Region 9
75 Hawthorne Street
San Francisco, CA 94105

BRIEFING MEMO

DATE: May 15, 2014
SUBJ: South Bay Sites VI Investigations
FROM: Melanie Morash, Remedial Project Manager
TO: Superfund Division Management

***Meeting Request*:** South Bay Site RPs request for meeting with EPA & Regional Water Board management to challenge EPA Region 9's TCE/VI guidelines

Upcoming Interagency Meeting to Discuss VI Coordination: Tues, May 20th at 9 am w/Regional Board (SF)

Priority Site & Discussion of Potential "Take-Back" or "Split-Lead":
Triple Site - Combined AMD/TRW/Phillips Site and Companies Off-Site Operable Unit
- 150 homes & 3 schools at risk in downtown Sunnyvale; inadequate workplan by Phillips

Other Key Points:
- EPA Region 9 continues to fully support Regional Water Board and prepared for enforcement action – encouraging companies to focus on source reduction & in-situ technologies

- RPs fighting sampling directive, however, a very low percentage of homes over the highest concentration areas of the TCE groundwater plumes have been sampled (53 out of approx. 600 buildings have been sampled, or approx. 9%)

  - 1 out of 50 sampled residences have required mitigation (2%)

  - 1out of 5 sampled commercial buildings have required mitigation (20%)

- EPA Region 9 approach fully consistent with HQ path towards establishing guidance for protecting against short-term inhalation exposures from TCE

- Technical basis for evaluating vapor intrusion pathway is strong, based on modeling, regional and national research and empirical data, including data collected from South Bay and other sites in Reg. 9

- Companies fearful of lawsuits and impacts to public image

  - Door-to-door vs large town hall meeting; high media interest in Silicon Valley "toxic plumes"

- RPs say EPA is circumventing the "CERCLA process," however CERCLA and the NCP give EPA the authority to require interim actions during a long-term remediation to evaluate potential or actual exposures